

a discrete constraint solver engine; and
means for integrating the engines to schedule activities to accomplish the tasks taking into account both continuous constraints and discrete constraints, wherein the continuous constraints are related to other variables by linear mathematical relationships.

33. (Amended) A system for scheduling tasks comprising:
means for creating a list of activities required to accomplish the tasks;
means for modifying the activities into sets of smaller activities; and
means for scheduling the activities and smaller activities based on discrete and continuous constraints, wherein the continuous constraints are related to other variables by linear mathematical relationships.

34. (Amended) A system for scheduling tasks comprising:
a constraint module that defines discrete and continuous constraints related to the activities, wherein the continuous constraints are related to other variables by linear mathematical relationships;
a module that represents scheduling decisions as discrete and continuous constraints; and
a scheduling module that schedules activities in accordance with an integrated implications of the discrete and continuous constraints.

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on April 25, 2002, and the documents cited therewith.

Claims 1, 14-16, 19, 27-29, and 32-34 are amended, and no claims are cancelled or added; as a result, claims 1-19, 27-29, and 32-34 are now pending in this application. The amendments to the claims are fully supported by the specification as originally filed, and no new matter has been added. The amendments are made to clarify the claims and are not intended to limit the scope of equivalents to which any claim element may be entitled. Applicant respectfully requests reconsideration of the above-identified application in view of the

amendments above and the remarks that follow.

§102 Rejection of the Claims

Claims 1-3, 5-8, 10, 11, 13-19 and 32-34 were rejected under 35 USC § 102(b) as being anticipated by Goldman et al. (IEEE Expert, U.S. IEEE Inc., New York, NY, 12(1), 1997, pp. 49-56 XP000689724). Applicant has amended claims 1, 14-16, 19, and 32-34 to clarify the claims. Applicant respectfully submits that the amendments to the claims are explicitly supported by the text of the specification, which on p. 7, ln. 22-24 defines continuous constraints as related to other variables by linear mathematical relationships. Further, claims 2, 3, 5-8, 10, 11, 13, and 15-18 are dependent, either directly or indirectly, on the amended claims. Therefore, reconsideration and allowance of claims 1-3, 5-8, 10, 11, 13-19 and 32-34 is respectfully requested.

§103 Rejection of the Claims

Claims 27-29 were rejected under 35 USC § 103(a) as being unpatentable over Goldman et al. Applicant has amended claims 27-29 to clarify the meaning of continuous constraints as used in the claims, as explained in greater detail above. Reexamination and allowance of claims 27-29 is respectfully requested.

Allowable Subject Matter

Claim 12 was objected to as being dependent upon a rejected base claim, but was indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Because claim 1, upon which claim 12 depends, has been amended and is believed to be in condition for allowance, Applicant has chosen not to amend claim 12 at this time. Reconsideration and allowance of claim 12 is therefore respectfully requested.

AMENDMENT & RESPONSE UNDER 37 C.F.R. § 1.116 - EXPEDITED PROCEDURE

Serial Number: 09/188,399

Filing Date: November 6, 1998

Title: AUTOMATED FINITE CAPACITY SCHEDULER

Page 6

Dkt: H16-17367 (256.029US1)

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-349-9581) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

MARK S. BODDY ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 349-9581

Date

June 18 02

By

[Signature]

John M. Dahl

Reg. No. 44,639

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Box AF, Commissioner of Patents, Washington, D.C. 20231, on this 18th day of June, 2002.

Anne M. Richards

Name

Signature

[Signature]